



February 17, 2023

SUMMARY OF BILL AS AMENDED (003917): Requires the sentence for a person convicted of especially aggravated kidnapping, aggravated rape, or rape be no less than a sentence imposed for a Range II offender.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-13-305(b)(1), especially aggravated kidnapping is a Class A felony.
- Pursuant to Tenn. Code Ann. § 40-35-112(b)(1), a Range II sentence for a Class A felony offense is not less than 25 years nor more than 40 years.
- Pursuant to Tenn. Code Ann. § 40-35-501(bb)(1), as amended by Public Chapter 988 of 2022, a person convicted of especially aggravated kidnapping on or after July 1, 2022 is required to serve 100 percent of the sentence imposed.
- The average sentence for a Class A felony offense of especially aggravated kidnapping is 19.46 years.
- Pursuant to Tenn. Code Ann. § 39-13-502(b), aggravated rape is a Class A felony.
- Pursuant to Tenn. Code Ann. § 40-35-112(b)(1), a Range II sentence for a Class A felony offense is not less than 25 years nor more than 40 years.
- Pursuant to Tenn. Code Ann. § 40-35-501(i)(1), a person convicted of aggravated rape on or after July 1, 1995 is required to serve 85 percent of the sentence imposed.
- The average sentence for a Class A felony offense of aggravated rape is 21.14 years. Therefore, it is assumed that a person convicted of aggravated rape under current law would serve 17.97 years (21.14 x 85%).
- Pursuant to Tenn. Code Ann. § 39-13-503(b), rape is a Class B felony.
- Pursuant to Tenn. Code Ann. § 40-35-112(b)(2), a Range II sentence for a Class B felony offense is not less than 12 years nor more than 20 years.
- Pursuant to Tenn. Code Ann. § 40-35-501(aa)(1), a person convicted of rape on or after July 1, 2021 is required to serve 100 percent of the sentence imposed.
- The average sentence for a Class B felony offense of rape is 9.89 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, this analysis estimates the highest cost for admissions in the next three years; therefore, any additional time added by the proposed

legislation resulting in sentences exceeding three years in length surpass the window of this analysis and will not significantly impact incarceration costs.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid.

Krista Lee Carsner, Executive Director

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